

AMENDED IN SENATE MAY 9, 2012
AMENDED IN SENATE APRIL 30, 2012

SENATE BILL

No. 1135

Introduced by Senator Runner

February 21, 2012

An act to *amend Section 51225.3 of, and to add Section 51225.1 to*, the Education Code, relating to high school graduation requirements, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1135, as amended, Runner. Graduation requirements: pupils in foster care.

Existing law requires a pupil to complete specified courses while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements. Existing law requires a school district to exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation if the pupil, while he or she is in grade 11 or 12, transfers into the school district from another school district or between high schools within the school district, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

This bill would *recast those provisions relating to pupils in foster care and would* instead require a school district to exempt a pupil from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework

requirements unless the school district makes a finding that the pupil is reasonably able to complete the requirements in time to graduate from high school by the end of the pupil's 4th year of high school. The bill would make the exemption from local graduation requirements applicable only to a pupil who transfers between schools during or after the pupil's 3rd year of high school and who is currently in foster care or, at the time of transfer, was in foster care. The bill would allow either the number of credits the pupil has earned to the date of transfer or the length of the pupil's school enrollment to be used to determine whether a pupil is in the 3rd year of high school, whichever would qualify the pupil for the exemption. The bill would, within 30 days of a pupil's transfer, require the school district to notify the pupil who may qualify for the exemption and the ~~person~~ *adult* holding the right to make educational decisions for the pupil and inform them of whether or not the pupil qualifies for the exemption. The bill would prohibit a school or school district from requiring or requesting that a pupil graduate before the end of his or her 4th year of high school if the pupil is exempted and completes the statewide coursework requirements before the end of his or her 4th year in high school and the pupil is otherwise entitled to remain in attendance at the school.

By requiring school districts to perform additional duties in complying with the exemption requirement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51225.1 is added to the Education Code,
2 to read:

1 51225.1. (a) (1) The exemption from local graduation
2 requirements provided by this section applies only to a pupil who
3 meets both of the following criteria:

4 (A) The pupil transfers between schools during or after the
5 pupil's third year of high school.

6 (B) The pupil is currently in foster care or, at the time of transfer,
7 was in foster care.

8 (2) To determine whether a pupil is in the third year of high
9 school, either the number of credits the pupil has earned to the
10 date of transfer or the length of the pupil's school enrollment may
11 be used, whichever will qualify the pupil for the exemption.

12 (b) Notwithstanding any other law, a school district shall exempt
13 a pupil from all coursework and other requirements adopted by
14 the governing board of the school district that are in addition to
15 the statewide coursework requirements specified in Section 51225.3
16 unless the school district makes a finding that the pupil is
17 reasonably able to complete the requirements in time to graduate
18 from high school by the end of the pupil's fourth year of high
19 school.

20 (c) Within 30 days of the date that a pupil who may qualify for
21 the exemption from local graduation requirements pursuant to this
22 section transfers into a school, the school district shall notify the
23 pupil and the adult holding the right to make educational decisions
24 for the pupil of the availability of the exemption and shall inform
25 the pupil and the adult holding the right to make educational
26 decisions for the pupil that the pupil qualifies or does not qualify
27 for an exemption.

28 (d) (1) If a pupil is not exempted from local graduation
29 requirements pursuant to this section, a school district shall exempt
30 the pupil at any time if an exemption is requested and the pupil
31 qualifies for the exemption.

32 (2) If a pupil has been exempted from local graduation
33 requirements pursuant to this section, a school district shall not
34 revoke the exemption.

35 (e) If a pupil is exempted from local graduation requirements
36 pursuant to this section and completes the statewide coursework
37 requirements specified in Section 51225.3 before the end of his or
38 her fourth year in high school and that pupil would otherwise be
39 entitled to remain in attendance at the school, a school or school

1 district shall not require or request that the pupil graduate before
2 the end of his or her fourth year of high school.

3 (f) If a pupil is exempted from local graduation requirements
4 pursuant to this section, the school district shall notify the pupil
5 and the adult holding the right to make educational decisions for
6 the pupil; whether and how any of the requirements that are waived
7 will affect the pupil's ability to gain admission to a postsecondary
8 educational institution and shall provide information about transfer
9 opportunities available through the California Community
10 Colleges.

11 *SEC. 2. Section 51225.3 of the Education Code, as amended*
12 *by Section 3 of Chapter 621 of the Statutes of 2011, is amended*
13 *to read:*

14 51225.3. (a) A pupil shall complete all of the following while
15 in grades 9 to 12, inclusive, in order to receive a diploma of
16 graduation from high school:

17 (1) At least the following numbers of courses in the subjects
18 specified, each course having a duration of one year, unless
19 otherwise specified:

20 (A) Three courses in English.

21 (B) Two courses in mathematics.

22 (C) Two courses in science, including biological and physical
23 sciences.

24 (D) Three courses in social studies, including United States
25 history and geography; world history, culture, and geography; a
26 one-semester course in American government and civics; and a
27 one-semester course in economics.

28 (E) One course in visual or performing arts, foreign language,
29 or, commencing with the 2012–13 school year, career technical
30 education.

31 (i) For purposes of satisfying the requirement specified in this
32 subparagraph, a course in American Sign Language shall be
33 deemed a course in foreign language.

34 (ii) For purposes of this subparagraph, “a course in career
35 technical education” means a course in a district-operated career
36 technical education program that is aligned to the career technical
37 model curriculum standards and framework adopted by the state
38 board, including courses through a regional occupational center
39 or program operated by a county superintendent of schools or
40 pursuant to a joint powers agreement.

1 (iii) This subparagraph does not require a school or school
2 district that currently does not offer career technical education
3 courses to start new career technical education programs for
4 purposes of this section.

5 (iv) If a school district or county office of education elects to
6 allow a career technical education course to satisfy the requirement
7 imposed by this subparagraph, the governing board of the school
8 district or county office of education, ~~prior to~~ *before* offering that
9 alternative to pupils, shall notify parents, teachers, pupils, and the
10 public at a regularly scheduled meeting of the governing board of
11 all of the following:

12 (I) The intent to offer career technical education courses to fulfill
13 the graduation requirement specified in this subparagraph.

14 (II) The impact that offering career technical education courses,
15 pursuant to this subparagraph, will have on the availability of
16 courses that meet the eligibility requirements for admission to the
17 California State University and the University of California, and
18 whether the career technical education courses to be offered
19 pursuant to this subparagraph are approved to satisfy those
20 eligibility requirements. If a school district elects to allow a career
21 technical education course to satisfy the requirement imposed by
22 this subparagraph, the school district shall comply with subdivision
23 (m) of Section 48980.

24 (III) The distinction, if any, between the high school graduation
25 requirements of the school district or county office of education,
26 and the eligibility requirements for admission to the California
27 State University and the University of California.

28 (F) Two courses in physical education, unless the pupil has been
29 exempted pursuant to the provisions of this code.

30 (2) Other coursework requirements adopted by the governing
31 board of the school district.

32 (b) The governing board, with the active involvement of parents,
33 administrators, teachers, and pupils, shall adopt alternative means
34 for pupils to complete the prescribed course of study that may
35 include practical demonstration of skills and competencies,
36 supervised work experience or other outside school experience,
37 career technical education classes offered in high schools, courses
38 offered by regional occupational centers or programs,
39 interdisciplinary study, independent study, and credit earned at a
40 postsecondary institution. Requirements for graduation and

1 specified alternative modes for completing the prescribed course
2 of study shall be made available to pupils, parents, and the public.

3 ~~(e) Notwithstanding any other law, a school district shall exempt~~
4 ~~a pupil in foster care from all coursework and other requirements~~
5 ~~adopted by the governing board of the district that are in addition~~
6 ~~to the statewide coursework requirements specified in this section~~
7 ~~if the pupil, while he or she is in grade 11 or 12, transfers into the~~
8 ~~district from another school district or between high schools within~~
9 ~~the district, unless the district makes a finding that the pupil is~~
10 ~~reasonably able to complete the additional requirements in time~~
11 ~~to graduate from high school while he or she remains eligible for~~
12 ~~foster care benefits pursuant to state law. A school district shall~~
13 ~~notify a pupil in foster care who is granted an exemption pursuant~~
14 ~~to this subdivision, and, as appropriate, the person holding the~~
15 ~~right to make educational decisions for the pupil, if any of the~~
16 ~~requirements that are waived will affect the pupil's ability to gain~~
17 ~~admission to a postsecondary educational institution and shall~~
18 ~~provide information about transfer opportunities available through~~
19 ~~the California Community Colleges.~~

20 ~~(d)~~

21 (c) On or before July 1, 2017, the department shall submit a
22 comprehensive report to the appropriate policy committees of the
23 Legislature on the addition of career technical education courses
24 to satisfy the requirement specified in subparagraph (E) of
25 paragraph (1) of subdivision (a), including, but not limited to, the
26 following information:

27 (1) A comparison of the pupil enrollment in career technical
28 education courses, foreign language courses, and visual and
29 performing arts courses for the 2005–06 to 2011–12 school years,
30 inclusive, to the pupil enrollment in career technical education
31 courses, foreign language courses, and visual and performing arts
32 courses for the 2012–13 to 2016–17 school years, inclusive.

33 (2) The reasons, reported by school districts, that pupils give
34 for choosing to enroll in a career technical education course to
35 satisfy the requirement specified in subparagraph (E) of paragraph
36 (1) of subdivision (a).

37 (3) The type and number of career technical education courses
38 that were conducted for the 2005–06 to 2011–12 school years,
39 inclusive, compared to the type and number of career technical

1 education courses that were conducted for the 2012–13 to 2016–17
2 school years, inclusive.

3 (4) The number of career technical education courses that
4 satisfied the subject matter requirements for admission to the
5 University of California or the California State University.

6 (5) The extent to which the career technical education courses
7 chosen by pupils are aligned with the California Career Technical
8 Education Standards, and prepare pupils for employment, advanced
9 training, and postsecondary education.

10 (6) The number of career technical education courses that also
11 satisfy the visual and performing arts requirement, and the number
12 of career technical education courses that also satisfy the foreign
13 language requirement.

14 (7) Annual pupil dropout and graduation rates for the 2011–12
15 to 2014–15 school years, inclusive.

16 ~~(e)~~

17 ~~(d)~~ For purposes of completing the report described in
18 subdivision-~~(d)~~ ~~(c)~~, the Superintendent may use existing state
19 resources and federal funds. If state or federal funds are not
20 available or sufficient, the Superintendent may apply for and accept
21 grants, and receive donations and other financial support from
22 public or private sources for purposes of this section.

23 ~~(f)~~

24 ~~(e)~~ For purposes of completing the report described in
25 subdivision-~~(d)~~ ~~(c)~~, the Superintendent may accept support,
26 including, but not limited to, financial and technical support, from
27 high school reform advocates, teachers, chamber organizations,
28 industry representatives, research centers, parents, and pupils.

29 ~~(g)~~

30 ~~(f)~~ This section shall become inoperative on the earlier of the
31 following two dates:

32 (1) On July 1, immediately following the first fiscal year after
33 the enactment of the act that adds this paragraph in which the
34 number of career technical education courses that, as determined
35 by the department, satisfy the foreign language requirement for
36 admission to the California State University and the University of
37 California is at least twice the number of career technical education
38 courses that meet these admission requirements as of January 1,
39 2012. This section shall be repealed on the following January 1,
40 unless a later enacted statute, that becomes operative on or before

1 that date, deletes or extends the dates on which it becomes
2 inoperative and is repealed. It is the intent of the Legislature that
3 new career technical education courses that satisfy the foreign
4 language requirement for admission to the California State
5 University and the University of California focus on world
6 languages aligned with career preparation, emphasizing real-world
7 application and technical content in related career and technical
8 education courses.

9 (2) On July 1, 2017, and, as of January 1, 2018, is repealed,
10 unless a later enacted statute, that becomes operative on or before
11 January 1, 2018, deletes or extends the dates on which it becomes
12 inoperative and is repealed.

13 *SEC. 3. Section 51225.3 of the Education Code, as added by*
14 *Section 4 of Chapter 621 of the Statutes of 2011, is amended to*
15 *read:*

16 51225.3. (a) A pupil shall complete all of the following while
17 in grades 9 to 12, inclusive, in order to receive a diploma of
18 graduation from high school:

19 (1) At least the following numbers of courses in the subjects
20 specified, each course having a duration of one year, unless
21 otherwise specified:

22 (A) Three courses in English.

23 (B) Two courses in mathematics.

24 (C) Two courses in science, including biological and physical
25 sciences.

26 (D) Three courses in social studies, including United States
27 history and geography; world history, culture, and geography; a
28 one-semester course in American government and civics; and a
29 one-semester course in economics.

30 (E) One course in visual or performing arts or foreign language.
31 For purposes of satisfying the requirement specified in this
32 subparagraph, a course in American Sign Language shall be
33 deemed a course in foreign language.

34 (F) Two courses in physical education, unless the pupil has been
35 exempted pursuant to the provisions of this code.

36 (2) Other coursework requirements adopted by the governing
37 board of the school district.

38 (b) The governing board, with the active involvement of parents,
39 administrators, teachers, and pupils, shall adopt alternative means
40 for pupils to complete the prescribed course of study that may

1 include practical demonstration of skills and competencies,
2 supervised work experience or other outside school experience,
3 career technical education classes offered in high schools, courses
4 offered by regional occupational centers or programs,
5 interdisciplinary study, independent study, and credit earned at a
6 postsecondary institution. Requirements for graduation and
7 specified alternative modes for completing the prescribed course
8 of study shall be made available to pupils, parents, and the public.

9 ~~(e) Notwithstanding any other law, a school district shall exempt~~
10 ~~a pupil in foster care from all coursework and other requirements~~
11 ~~adopted by the governing board of the district that are in addition~~
12 ~~to the statewide coursework requirements specified in this section~~
13 ~~if the pupil, while he or she is in grade 11 or 12, transfers into the~~
14 ~~district from another school district or between high schools within~~
15 ~~the district, unless the district makes a finding that the pupil is~~
16 ~~reasonably able to complete the additional requirements in time~~
17 ~~to graduate from high school while he or she remains eligible for~~
18 ~~foster care benefits pursuant to state law. A school district shall~~
19 ~~notify a pupil in foster care who is granted an exemption pursuant~~
20 ~~to this subdivision, and, as appropriate, the person holding the~~
21 ~~right to make educational decisions for the pupil, if any of the~~
22 ~~requirements that are waived will affect the pupil's ability to gain~~
23 ~~admission to a postsecondary educational institution and shall~~
24 ~~provide information about transfer opportunities available through~~
25 ~~the California Community Colleges.~~

26 ~~(d)~~

27 (c) If a pupil completed a career technical education course that
28 met the requirements of subparagraph (E) of paragraph (1) of
29 subdivision (a) of Section 51225.3, as amended by the act adding
30 this section, ~~prior to~~ *before* the inoperative date of that section,
31 that course shall be deemed to fulfill the requirements of
32 subparagraph (E) of paragraph (1) of subdivision (a) of this section.

33 ~~(e)~~

34 (d) This section shall become operative upon the date that
35 Section 51225.3, as amended by the act adding this section,
36 becomes inoperative.

37 ~~SEC. 2.~~

38 *SEC. 4.* If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

3 ~~SEC. 3.~~

4 *SEC. 5.* This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 In order to ensure that pupils in foster care who are eligible for
9 foster care benefits are eligible to graduate from high school in
10 the 2011–12 academic year, it is necessary for this act to take effect
11 immediately.